

MAR 12 1997  
Agriculture

HOUSE FILE 562  
BY ARNOLD

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act providing distance requirements for animal feeding  
2 operation structures and making penalties applicabie.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 562

1 Section 1. Section 455B.171, Code 1997, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 2A. "Animal feeding operation structure"  
4 means the same as defined in section 455B.161.

5 Sec. 2. Section 455B.204, subsection 1, unnumbered  
6 paragraph 1, Code 1997, is amended to read as follows:

7 An animal feeding operation structure shall not be located  
8 ~~at-least~~ constructed or expanded less than five hundred feet  
9 away from the surface intake of an agricultural drainage well  
10 or known sinkhole, and ~~at-least-two~~ not less than five hundred  
11 feet away from a lake, river, or stream located within the  
12 territorial limits of the state, any marginal river area  
13 adjacent to the state, which can support a floating vessel  
14 capable of carrying one or more persons during a total of a  
15 six-month period in one out of ten years, excluding periods of  
16 flooding. However, no distance separation is required between  
17 a location or object and a farm pond or privately owned lake,  
18 as defined in section 462A.2.

19 EXPLANATION

20 This bill amends Code section 455B.204 which in part  
21 provides distance requirements between an animal feeding  
22 operation structure and a lake, river, or stream located  
23 within the territorial limits of the state, or any marginal  
24 river area adjacent to the state. This bill increases the  
25 distance requirement from 200 to 500 feet and applies the  
26 requirement to newly constructed or expanded animal feeding  
27 structures. A person violating the bill is subject to a civil  
28 penalty of not more than \$5,000.

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1 Amend House File 563 as follows:

2 1. Page 5, line 9, by striking the words  
3 "qualified corporation and".

4 2. Page 5, line 10, by inserting after the word  
5 "association" the following: "and qualified  
6 corporation".

7 3. Page 6, line 23, by striking the word  
8 "cooperating" and inserting the following:  
9 "cooperative".

10 4. Page 6, by striking line 26 and inserting the  
11 following: "certificate of merger pursuant to section  
12 499.68".

13 5. Page 6, line 28, by striking the word  
14 "cooperation" and inserting the following:  
15 "corporation".

16 6. Page 6, line 30, by inserting after the word  
17 "state" the following: "pursuant to section  
18 490.1105".

19 7. Title page, line 1, by inserting after the  
20 word "associations" the following: "and  
21 corporations".

22 8. Title page, line 2, by striking the words "of  
23 the associations" and inserting the following: ",  
24 including providing for mergers,".

By HUSEMAN of Cherokee

H-1224 FILED MARCH 18, 1997

*Adopted 3-25-97 (p. 775)*